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OCT 31 1988

October 31, 1988 Federal Communications Commission
Office of the Secretary

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket No. 87-268

Dear Ms. Searcy:

Transmitted herewith on behalf of Cosmopolitan Broadcas-
ting Corporation are the original and fourteen copies of
"Comments of Cosmopolitan Broadcasting Corporation" in the
above referenced matter. These comments are respectfully
directed to the attention of the full Commission.

Should any questions arise concerning this matter, please
communicate directly with this office.

Very truly yours,


Peter Gutmann

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 31 1988

ORIGINAL FILE
Federal Communications Commission
Office of the Secretary

In the Matter of)

Advanced Television Systems)
and Their Impact on the)
Existing Broadcast Service)

Review of Technical and)
Operational Requirements:)
Part 73-E, Television)
Broadcast Stations)

Reevaluation of the UHF)
Television Channel and)
Distance Separation)
Requirements of Part 73 of)
the Commission's Rules)

MM Docket No. 87-268

To: The Commission

COMMENTS OF COSMOPOLITAN BROADCASTING CORPORATION

Cosmopolitan Broadcasting Corporation ("Cosmopolitan"), by its attorney, pursuant to §1.415 of the Commission's Rules, respectfully submits herewith its comments in response to the Commission's Tentative Decision and Further Notice of Inquiry, FCC 88-288, released September 1, 1988 ("Tentative Decision") in the captioned matter. In these comments, Cosmopolitan urges the Commission to relax the NTSC standards with respect to LPTV stations. As demonstrated below, such relief would achieve the overall purposes of the Commission's Tentative Decision, while mitigating a number of its potential adverse consequences.

In its Tentative Decision, the Commission rejected any modification of the NTSC standard on a wide-scale basis. Id., ¶¶ 107-9. The Commission felt this position to be consistent with its emerging view that ATV must be developed within the NTSC spectrum and so as to avoid disruption of existing service. The Commission further provided a waiver mechanism and pledged expeditious action on waiver requests, provided that an applicant demonstrate no impairment of public reception of existing stations and a level of interference to other stations within the limits of the applicant's present NTSC operations. Id. ¶ 109.

Cosmopolitan believes that the Commission's objectives can be met without the inherent delay and the need to expend resources on waiver proceedings. This can be achieved by relaxing NTSC standards for the LPTV service. This is particularly important in view of the rapid development of ATV systems awaiting field testing and the constant press reports of foreign progress which may well overtake domestic development. It is incumbent upon the Commission to facilitate a testing procedure which relieves applicants of any burden and delay so that field testing can proceed whenever appropriate. Indeed, events are shaping up so quickly that even a minor delay can prove highly detrimental to the introduction of ATV service in America. The LPTV service, by its very nature, can be used as

a prototype for full scale ATV operations and testing, and the use of LPTV facilities for testing purposes will cause far less disruption to viewers than would the use of full power stations.

In that regard, it is noted that many LPTV permittees and licensees have not yet found a commercially-feasible niche in their marketplace, and would be far more willing than established full power stations to permit the use of their facilities for experimental purposes. It is further noted that LPTV stations are found in all sizes of markets, and cover the full spectrum occupied by current terrestrial broadcasters; therefore, LPTV facilities would appear to be ideal laboratories for practical field testing of HDTV systems. In order to minimize disruption to viewers, Cosmopolitan would suggest that all experimental operations on LPTV stations be subject to the same two substantive requirements as would apply to the Commission's suggested waiver procedure.

The above suggestions are calculated to facilitate field testing of ATV systems in a manner least disruptive to the public. Relaxation of the NTSC standard for LPTV stations would advance Chairman Patrick's concern that technical development not be constrained. The resultant facilitation of field testing will also meet Commissioner Dennis' objective of compiling data as soon as possible in order to permit the

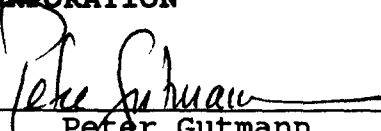
establishment of standards if and when appropriate. Finally, an immediate opportunity to test developing systems at the discretion of those in the forefront of technological innovation will meet Commissioner Quello's concern that the ATV industry be allowed to develop as full a record as possible before any further fundamental decisions are made by the Commission.

In view of the foregoing, Cosmopolitan respectfully urges the Commission to relax the NTSC standard for the low-power television service. Not only will this step facilitate testing, adoption and implementation of ATV service to the American Public, but may also encourage coincidental testing of LPTV stations for supplementary uses which may enhance the economic viability of that struggling service.

Respectfully submitted,

**COSMOPOLITAN BROADCASTING
CORPORATION**

By


Peter Gutmann
Its Attorney

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